

108TH CONGRESS
1ST SESSION

S. 216

To authorize the National Institute of Standards and Technology to develop improvements in building and fire codes, standards, and practices to reduce the impact of terrorist and other extreme threats to the safety of buildings, their occupants, and emergency responders, and to authorize the Department of Homeland Security to form a task force to recommend ways to strengthen standards in the private security industry, stabilize the workforce, and create a safer environment for commercial building and industrial facility occupants.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2003

Mr. EDWARDS introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize the National Institute of Standards and Technology to develop improvements in building and fire codes, standards, and practices to reduce the impact of terrorist and other extreme threats to the safety of buildings, their occupants, and emergency responders, and to authorize the Department of Homeland Security to form a task force to recommend ways to strengthen standards in the private security industry, stabilize the workforce, and create a safer environment for commercial building and industrial facility occupants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Building Security Act
5 of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) The terrorist attacks of September 11,
9 2001, resulted in unprecedented death and destruc-
10 tion, and 2 of the worst building disasters in human
11 history;

12 (2) the war on terror is ongoing, and threats to
13 American targets, such as large buildings in the
14 United States, are substantial;

15 (3) there are approximately 500 skyscrapers in
16 the United States that are regularly occupied by at
17 least 5000 people, in addition to millions of smaller
18 buildings that see high levels of traffic;

19 (4) most buildings have not been built to the
20 standard needed to meet extreme threats, necessi-
21 tating technological improvements in every aspect of
22 construction, including structural elements, fire-
23 proofing, and facade integrity;

24 (5) to advance homeland security, the Federal
25 Government is obligated to ensure that building and

1 construction standards are as high as practicable,
2 and that building owners have the resources needed
3 to meet these standards;

4 (6) the Federal Government, in its efforts to
5 protect the American people, is responsible for pro-
6 moting research and development by the public and
7 private sectors that will provide the technical basis
8 for improved building and fire codes, standards,
9 practices, and materials;

10 (7) the National Institute of Standards and
11 Technology is in a unique position to work with the
12 appropriate standards-developing organizations to
13 help the United States respond to these new chal-
14 lenges, due to—

15 (A) the building and fire expertise in its
16 laboratories and quality program;

17 (B) its long history of working coopera-
18 tively with the construction and standards in-
19 dustries;

20 (C) its strong influence on national stand-
21 ards; and

22 (D) its involvement in the assessment of
23 the World Trade Center collapse;

24 (8) efforts to pursue innovation and provide
25 practical guidance and tools to building owners, de-

1 signers, and contractors are necessary to ensure that
2 new materials and practices are widely accepted and
3 used;

4 (9) it is in the national interest for the National
5 Institute of Standards and Technology to—

6 (A) accelerate its efforts in helping indus-
7 try develop the higher building and construction
8 standards that are necessary to heighten the
9 safety of all Americans; and

10 (B) identify the most effective ways to en-
11 sure that these new standards are implemented
12 in both existing and new structures;

13 (10) as of January 2003, 2,000,000 private se-
14 curity officers throughout the Nation are responsible
15 for ensuring the security of building occupants and
16 must be able to effectively respond to evacuations,
17 crime, terrorist threats, emergencies, and accidents;

18 (11) many of these private security officers are
19 not adequately prepared to best assist uniformed
20 services, building tenants, workers, and the public in
21 the event of a natural disaster or terrorism;

22 (12) the job turnover rate within the private se-
23 curity industry is as high as 300 percent per year;

24 (13) a recent study found that more than $\frac{1}{2}$ of
25 the States are—

1 (A) failing to set standards for the training
2 and screening of private security officers; and

3 (B) not providing adequate oversight of the
4 private security industry;

5 (14) without proper guidelines and standards,
6 the private security industry cannot adequately pro-
7 vide the security necessary in the current global en-
8 vironment;

9 (15) the Federal Government, in its efforts to
10 protect the American people, is responsible for ena-
11 bling a proper review of the private security industry
12 and developing a means of ensuring the industry's
13 improvement; and

14 (16) it is in the national interest for the De-
15 partment of Homeland Security to create a private
16 security review task force, comprised of industry,
17 union, government, and law enforcement leaders, to
18 help establish strong guidelines and incentives for
19 States, and to provide the needed structure for
20 training and workforce stability.

21 **SEC. 3. HOMELAND SECURITY BUILDING AND FIRE RE-**
22 **SEARCH AND DEVELOPMENT PROGRAM.**

23 (a) ESTABLISHMENT.—

24 (1) IN GENERAL.—The Director of the National
25 Institute of Standards and Technology (referred to

in this section as the “Director”) shall establish a research and development program to—

(A) provide the measurements and analysis for improved building and fire codes, standards, and practices; and

(B) generate findings and recommendations that can be used to develop improved building and fire codes, and higher construction standards in the United States.

(2) CONSULTATION.—In carrying out this section, the Director shall—

(A) consult, as appropriate, with the various units of the National Institute of Standards and Technology (referred to in this section as the “Institute”), including the Building and Fire Research Laboratory;

(B) build upon ongoing efforts of the Institute and of the private sector; and

(C) involve consortia that include government and industry.

(b) RESEARCH ACTIVITIES.—

(1) SCIENTIFIC RESEARCH.—The Director shall work with industry, trade associations, professional societies, and others to conduct experimentation,

1 analysis, testing, verification, and demonstration of
2 improved tools and practices that identify—

3 (A) improved construction methods and
4 materials relevant to structural fire safety;

5 (B) mitigation of progressive collapse;

6 (C) building and ventilation vulnerability
7 reduction tools;

8 (D) equipment standards for first respond-
9 ers; and

10 (E) other ways to reduce the impact of ex-
11 treme threats to the safety of buildings, their
12 occupants, and emergency responders.

13 (2) POLICY RESEARCH.—The Director shall
14 work with industry, trade associations, professional
15 societies, and others to complete a study of the best
16 methods to ensure full implementation and encour-
17 age full compliance with the standards developed in
18 paragraph (1), including—

19 (A) tax incentives;

20 (B) grants to States that adopt those
21 standards; and

22 (C) other appropriate means.

23 (c) DISSEMINATION AND TECHNICAL ASSISTANCE
24 PROGRAM.—The Director shall oversee a dissemination
25 and technical assistance program (referred to in this sec-

1 tion as the “DTAP”) to assist with the immediate dis-
 2 semination and implementation of the practices, stand-
 3 ards, and codes developed by the Institute under sub-
 4 section (b)(1).

5 (d) PUBLICATION OF STUDIES.—The Director shall
 6 ensure that the results and recommendations of the Insti-
 7 tute under subsection (b) are promptly published for use
 8 by the public and private sectors.

9 (e) REPORTS.—

10 (1) INITIAL REPORT.—Not later than 60 days
 11 after the date of enactment of this Act, the Director
 12 shall submit, to the Committee on Commerce,
 13 Science, and Transportation of the Senate and the
 14 Committee on Science of the House of Representa-
 15 tives, a report detailing the Institute’s proposed
 16 schedule of studies and results, with anticipated
 17 dates of implementation.

18 (2) ANNUAL PROGRESS REPORTS.—Not later
 19 than 1 year after the date of enactment of this Act,
 20 and annually thereafter, the Director shall submit a
 21 progress report to the committees described under
 22 paragraph (1), which summarizes the Institute’s ac-
 23 tivities and determinations under subsection (b).

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section,
 3 the following sums:

4 (1) \$13,000,000 for fiscal year 2004.

5 (2) \$9,000,000 for fiscal year 2005.

6 (3) \$9,000,000 for fiscal year 2006.

7 (4) \$9,000,000 for fiscal year 2007.

8 **SEC. 4. PRIVATE SECURITY INDUSTRY TASK FORCE.**

9 (a) ESTABLISHMENT.—The Secretary of the Depart-
 10 ment of Homeland Security (referred to in this section as
 11 the “Secretary”) shall establish a Private Security Indus-
 12 try Task Force (referred to in this section as the “Task
 13 Force”) to—

14 (1) examine the limitations in training, screen-
 15 ing, standard-setting, retention, and oversight prac-
 16 tice in the private security industry;

17 (2) develop structural guidelines and standards
 18 of quality for the private security industry; and

19 (3) determine the best way to help States to im-
 20 plement such standards and guidelines in a timely
 21 and efficient manner.

22 (b) MEMBERSHIP.—The Task Force shall be com-
 23 posed of 25 members, including members representing—

24 (1) private security employers;

25 (2) private security employees;

- 1 (3) the private insurance industry;
- 2 (4) the risk consulting industry;
- 3 (5) institutional investors;
- 4 (6) public safety and emergency management
- 5 professionals;
- 6 (7) building owners and managers;
- 7 (8) commercial building tenants;
- 8 (9) trainers of private security officers;
- 9 (10) police officers;
- 10 (11) firefighters;
- 11 (12) the Office of Employment and Training
- 12 Administration of the Department of Labor;
- 13 (13) the Office of Justice Programs of the De-
- 14 partment of Justice;
- 15 (14) the Department of Homeland Security;
- 16 and
- 17 (15) State agencies involved in homeland secu-
- 18 rity from different regions of the United States.

19 (c) CHAIR.—

20 (1) APPOINTMENT.—The Secretary shall ap-
 21 point a Chair for the Task Force from within the
 22 Department of Homeland Security.

23 (2) RESPONSIBILITIES.—The Chair shall over-
 24 see all meetings of, and communications from, the
 25 Task Force.

1 (d) AUTHORIZED ACTIVITIES.—In carrying out the
2 provisions of this Act, the Chair and other members of
3 the Task Force may conduct research and coordinate and
4 consult with industry, trade associations, professional soci-
5 eties, and institutions of higher learning, and other appro-
6 priate organizations to—

7 (1) examine the limitations in training, screen-
8 ing, standard-setting, retention, and oversight prac-
9 tice in the private security industry;

10 (2) develop structural guidelines and standards
11 of quality for the private security industry; and

12 (3) determine the best way to help States to im-
13 plement such standards and guidelines in a timely
14 and efficient manner.

15 (e) SEMI-ANNUAL REPORTS.—Not later than 180
16 days after the date of enactment of this Act, and every
17 180 days thereafter, the Chair shall submit a report on
18 the Task Force’s activities and determinations under sub-
19 section (c)(2) to—

20 (1) the Committee on Health, Education,
21 Labor, and Pensions of the Senate;

22 (2) the Committee on the Judiciary of the Sen-
23 ate;

24 (3) the Committee on Education and the Work-
25 force of the House of Representatives; and

1 (4) the Committee on the Judiciary of the
2 House of Representatives.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated \$500,000 for each of
5 the fiscal years 2004 and 2005 to carry out this section.

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